

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
WICHITA FALLS DIVISION

VICKIE ROBINSON,

Plaintiff,

v.

THE LINCOLN NATIONAL LIFE  
INSURANCE COMPANY,

Defendant.

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C.A. No. 7:17-cv-20

**NOTICE OF REMOVAL**

Defendant The Lincoln National Life Insurance Company (“Lincoln National”) files this notice of removal and states:

1. **The Lawsuit.** This action was filed on November 22, 2016, in the 97<sup>th</sup> Judicial District Court of Archer County, Texas, being numbered 2016-0151A-CV on the docket of said court and being a suit by Plaintiff Vickie Robinson (“Robinson”) for benefits and extra-contractual damages arising out of the payment of the proceeds under a life insurance policy (the “Policy”) Lincoln National’s predecessor issued on the life of Matthew Earl Robinson, her deceased husband.

2. **Diversity Jurisdiction.** Complete diversity of citizenship exists between Robinson and Lincoln National, as they are citizens of different states. Robinson was a citizen of Texas, both at the time this action was filed and as of the date of this removal. Lincoln National is an Indiana corporation with its principal office and place of business in Radnor, Pennsylvania, both at the time this action was filed and as of the date of this removal. Lincoln National thus was and is a citizen of Indiana and Pennsylvania and is not a citizen of Texas.

The amount in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs. In Plaintiff's Original Petition and Request for Disclosure (the "Complaint"), Robinson asserts claims against Lincoln National for violations of the Texas Insurance Code (the "Insurance Code"), breach of the duty of good faith and fair dealing, violations of the Texas Deceptive Trade Practices Act (the "DTPA"), and breach of contract. Robinson seeks to recover the Policy proceeds, which she contends total \$66,000.00, mental anguish damages and statutory treble damages under the Insurance Code and the DTPA, 18% penalty interest under section 542.060 of the Insurance Code, and attorney's fees, and she asserts in the Complaint that she "seeks monetary relief over \$100,000.00 but not more than \$200,000.00."

All told, the Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332, and this action may be removed by Lincoln National pursuant to 28 U.S.C. § 1441(b). Venue is proper in this Court under 28 U.S.C. § 1441(a), as this action was pending in a state court within this district and division.

**3. State Court Documents Attached.** Lincoln National received the Citation and a copy of the Complaint on January 27, 2017, which is the first time Lincoln National received, through service or otherwise, a copy of the initial pleading setting forth the claim for relief upon which this action is based. As such, this removal is timely under 28 U.S.C. § 1446(b). Pursuant to N.D. Tex. L.R. 81.1(a), attached hereto as Exhibit A is an Index of Documents Filed, which includes copies of the state court docket sheet and all of the process, pleadings, and orders received or filed by Lincoln National in this action.

**4. Certificate of Interested Persons and Corporate Disclosure Statement.** Pursuant to N.D. Tex. L.R. 81.1(a), attached hereto as Exhibit B is a copy of Defendant's Certificate of Interested Persons and Corporate Disclosure Statement.

5. **Relief Requested.** Lincoln National respectfully requests that the United States District Court for the Northern District of Texas, Wichita Falls Division, accept this notice of removal and that it assume jurisdiction of this action and issue all such further orders and processes as may be necessary to bring before it all parties necessary for the final trial hereof.

Respectfully submitted,

By: /s/ Andrew C. Whitaker  
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ATTORNEYS FOR DEFENDANT  
THE LINCOLN NATIONAL LIFE  
INSURANCE COMPANY

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing document has been sent by email and certified mail, return receipt requested, to Mr. Michael Callahan and Mr. Casey Brown, The Callahan Law Firm, 440 Louisiana, Suite 2050, Houston, Texas 77002, on this 23rd day of February, 2017.

/s/ Andrew C. Whitaker  
Andrew C. Whitaker